

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 06-0665

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

WAYNE PERCY LINDSEY,

Defendant and Appellant.

STATUS REPORT ON ORDER APPOINTING COUNSEL

On December 23, 2009, this Court appointed the Office of the Appellate Defender (ADO) to represent Mr. Lindsey on his appeal currently before this Court. This Court further ordered the ADO to file a Notice of Appearance or a Motion to Rescind the Order Appointing Counsel. The ADO filed a Limited Notice of Appearance on December 30, 2009, and sent an indigency application to Mr. Lindsey who is currently residing at the MASC facility in Missoula. The ADO asked him to fill out the application and return it to the ADO as soon as possible. To date, the ADO has not received the indigency application from Mr. Lindsey.

On Tuesday, January 19, 2010, Sarah Braden, paralegal for the ADO, contacted the MASC facility and was able to speak with Mr. Lindsey. Mr. Lindsey advised Ms. Braden that he had returned the application to the ADO office. After

speaking with all appellate staff, Mr. Lindsey's application was never received by the ADO office. Also, on January 19, 2010, the ADO staff sent Mr. Lindsey another application, and the office is awaiting return of the application. Upon receiving the application and determining whether Mr. Lindsey is entitled to court-appointed counsel, the ADO will request transcripts necessary for his appeal or file a motion to rescind the appointment of appellate counsel.

Respectfully submitted this 20th day of January, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
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Helena, MT 59620-0145

By: Joslyn Hunt
JOSLYN HUNT
Chief Appellate Defender

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing Status

Report on Order Appointing Counsel to be mailed to:

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DATED: 1/20/2010 Sarah J. Braden